

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DOLAN R. SANSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:10cv38
(Maxwell)

MICHAEL ASTRUE,
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

ORDER

The above-styled matter is before the Court for consideration of the Report and Recommendation (“R&R”) [Doc. 11] of United States Magistrate Judge John S. Kaull. Magistrate Judge Kaull filed his R&R on September 8, 2010, wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the R&R. No objections have been filed. Accordingly, this Court will review the Magistrate’s R&R for clear error.¹

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues presented in the above-styled civil action were thoroughly considered by Magistrate Judge Kaull in his R&R, and that a dismissal is clearly warranted pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the plaintiff’s failure to prosecute, failure to comply with the Local Rules, and failure to comply with the Court’s Order of

¹The failure of a party to object to a Report and Recommendation waives the party’s right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See **Wells v. Shriners Hospital**, 109 F.3d 198, 199-200 (4th Cir. 1997); **Thomas v. Arn**, 474 U.S. 140, 148-153 (1985).

August 24, 2010. The Court, reviewing all matters now before it for clear error, is of the opinion that the Report and Recommendation accurately reflects the law applicable in this case. Therefore, it is

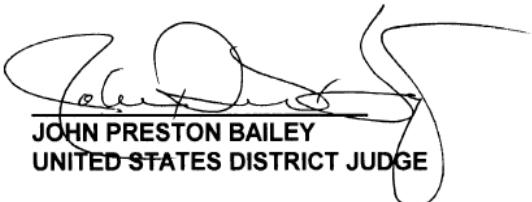
ORDERED that Magistrate Judge Kaull's Report and Recommendation (Doc. 11) be, and hereby is, **ADOPTED** and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the plaintiff's Complaint (Doc. 1) shall be, and the same hereby is, **DISMISSED WITH PREJUDICE** for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. It is further

ORDERED that the above-styled civil action shall be stricken from the docket of this Court.

The Clerk of Court is directed to enter a separate judgment order and to send a copy of this Order to all counsel of record.

DATED: November 4, 2010.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE